

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THE BOARD OF TRUSTEES OF THE
LELAND STANFORD JUNIOR
UNIVERSITY,

Plaintiff,

v.

CHIANG FANG CHI-YI, et al.,
Defendants.

Case No. [13-cv-04383-BLF](#)

**ORDER GRANTING LEAVE TO FILE
SECOND AMENDED COMPLAINT**

[Re: ECF No. 47]

In this interpleader action, Plaintiff Board of Trustees of the Leland Stanford Junior University (“Plaintiff”) seeks leave to file a Second Amended Complaint in order to interplead additional parties. (Pl.’s Mot., ECF 47) Plaintiff filed its motion on June 17, 2014, and Defendants have not filed any opposition. The Court finds the matter appropriate for submission without hearing and accordingly VACATES the motion hearing presently scheduled for August 14, 2014. Civ. L.R. 7-1(b). For the reasons stated herein, the Court GRANTS Plaintiff’s Motion to File a Second Amended Complaint.

Federal Rule of Civil Procedure 15(a)(2) requires a party to seek leave of court before amending its pleading, and “[t]he court should freely give leave when justice so requires.” Leave is generally only denied in the presence of factors that weigh against generous leave, such as “undue delay, bad faith or dilatory motive on the part of the movant, . . . undue prejudice to the opposing party by virtue of allowance of the amendment, [or] futility of the amendment.” *Foman v. Davis*, 371 U.S. 178,182 (1962).


In the instant matter, the Court has examined Plaintiff’s proposed Second Amended Complaint and does not detect any factors weighing against generous leave. There is no undue

1 delay, as “[a] number of currently named defendants have yet to file responses to Plaintiff’s First
2 Amended Complaint.” (Pl.’s Mot. 3:3-5) As the present possessor of the *res*, Plaintiff’s sole
3 interest in this action is to identify all parties with ownership interests in the *res*, and as such
4 Plaintiff’s proposed amendment does not appear to be made in bad faith or for dilatory motive.
5 (Pl.’s Mot. 2:9-19) The named defendants have not opposed this motion and therefore cannot
6 complain of prejudice from the Court granting leave to amend. Finally, it does not appear that
7 amendment would be futile, as permitting Plaintiff to add other parties with asserted ownership
8 rights in the *res* will facilitate a decision on the merits of all competing claims.

9 For the foregoing reasons, Plaintiff’s Motion to File a Second Amended Complaint is
10 GRANTED. Plaintiff shall file the Second Amended Complaint into the record within **fourteen**
11 **(14) days** of this order.

12 **IT IS SO ORDERED.**

13 Dated: July 3, 2014

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15 BETH LABSON FREEMAN
16 United States District Judge
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